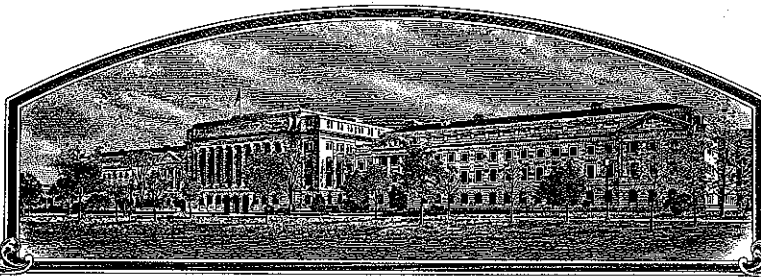


No.

200200248



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Rijk Zwaan Zaadteelt en Zaadhandel B.V.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Klingon'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twelfth day of December, in the year two thousand and five.

Attest:

*[Signature]*  
Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

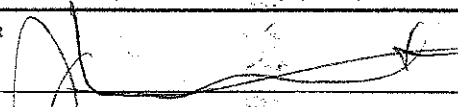
*[Signature]*  
Secretary of Agriculture



200200248

REPRODUCE LOCALLY. Include form number and date on all reproductions

Form Approved - OMB No. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE <b>APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE</b> (Instructions and information collection burden statement on reverse)		The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995. Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).	
1. NAME OF OWNER <b>Rijk Zwaan Zaadteelt en Zaadhandel B.V.</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>85-24 RZ</b>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>Burgemeester Crezeelaan 40 2678 KX DE LIER the Netherlands</b>		5. TELEPHONE (include area code) <b>+31 174 532300</b>	
		6. FAX (include area code) <b>+31 174 513730</b>	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) <b>corporation</b>		8. IF INCORPORATED, GIVE STATE OF INCORPORATION <b>Ltd.</b>	
		9. DATE OF INCORPORATION <b>08-18-1953</b>	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)		FILING AND EXAMINATION FEES: \$ 2,705. <sup>00</sup> DATE rec'd: 8/27/2002 CERTIFICATION FEE: \$ 682. <sup>00</sup> DATE 11/14/05	
11. TELEPHONE (include area code)	12. FAX (include area code)	13. E-MAIL <b>a.schenkeveld@riikzwaan.nl</b>	14. CROP KIND (Common Name) <b>Lettuce</b>
15. GENUS AND SPECIES NAME OF CROP <b>Lactuca sativa L.</b>		17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
16. FAMILY NAME (Botanical) <b>Compositae</b>			
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act.	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		<input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no", go to item 22)	
		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, SPECIFY THE <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED NUMBER 1,2,3, etc. (If additional explanation is necessary, please use the space indicated on the reverse.)	
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) <b>J.W. Koolstra</b>		NAME (Please print or type)	
CAPACITY OR TITLE <b>Research Manager</b>	DATE <b>August 1, 2002</b>	CAPACITY OR TITLE	DATE

## INSTRUCTIONS

**GENERAL:** To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$320 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. **Retain one copy for your files.** All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

## ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;  
(2) the details of subsequent stages of selection and multiplication;  
(3) evidence of uniformity and stability; and  
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:  
(1) identify these varieties and state all differences objectively;  
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and  
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See *Regulations and Rules of Practice, Section 97.103*).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Klingon was sold for the first time in Spain, Portugal and Australia in August 2001 as Perigon. Klingon has never been sold in the U.S.

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

Community Plant Variety Right, pending, filing date 11-21-2000, file no. 2000/1721 variety name Perigon  
Switzerland, pending, filing date 04-12-2001, file no. 01-12-1714 variety name Perigon

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed/lsg-sd.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

S&T-470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (02-99) which is obsolete.

## EXHIBIT A. ORIGIN AND BREEDING HISTORY

## VARIETY: Lettuce KLINGON

*Genealogy/Details of stages of selection and multiplication:**Genetic material used:*

The development of Klingon started with a cross between the varieties Raisa (Rijk Zwaan) and Malibu (Rijk Zwaan) in 1990. In 1994 a selected F5-plant (male parent) of this cross was crossed with a selected F4-plant (female parent) from a BC2-cross with the variety Sesam (Rijk Zwaan) as recurrent parent and a butterhead x batavia-cross as donor parent. From this cross a F2 was obtained and tested in 1995. A combined line and pedigree selection resulted in 2000 in a uniform F8-line based on one F7-plant. All crossing and breeding was performed in the Netherlands. The line obtained the introduction number 85-24 RZ, which was changed into Perigon during the European registration procedure. Klingon descends from the same cross as Lagon, but was derived from a different F2-plant.

*Selection was based on:*

## 1. Field evaluation:

- Homogeneity
- Plant size
- Leaf shape
- Leaf color
- Shelf life
- Tipburn resistance
- Bolting resistance

## 2. Laboratory tests on downy mildew resistance, and LMV tolerance

*Statement of uniformity and stability*

Klingon was stable and uniform in variety tests and in seed multiplications carried out since 1998. Official tests of Naktuinbouw and Plant Research International (EC variety list and European Plant Breeder's Right) confirmed the uniformity and stability of Klingon.

You asked for further disclosure of the mother of 'Klingon'. As stated in our original exhibit A, the mother of 'Klingon' is a selected F4-plant, descending from a cross, which was made using the lollo rossa variety 'Sesam' as a mother and a backcross-plant of 'Sesam' as a father. This backcross-plant was derived from a cross between 'Sesam' and an F1-plant from a cross, made in 1991, between 'Sesam' and a selected plant from a breeding line. This breeding line was obtained from a cross between a butterhead and a batavia breeding line. Unfortunately, it is not possible to trace back the pedigree of these lines, because the cross was made more than 15 years ago, and for this reason the original breeding information is not available anymore. So we cannot supply you with more information on these two original parents. However, I hope it is clear for you that this (butterhead x batavia) breeding line makes up only 1/16 of the total pedigree of 'Klingon' and that its plant habit (in between butterhead and batavia) is completely different from 'Klingon', which type is in between oakleaf and lollo rossa. The pedigree is graphically presented in a figure (see attachment). (See attached file: pedigree\_klingon.doc)

In seed multiplications we are finding about 0.1% of variants. These variants are larger plants with a less undulated apical leaf margin.

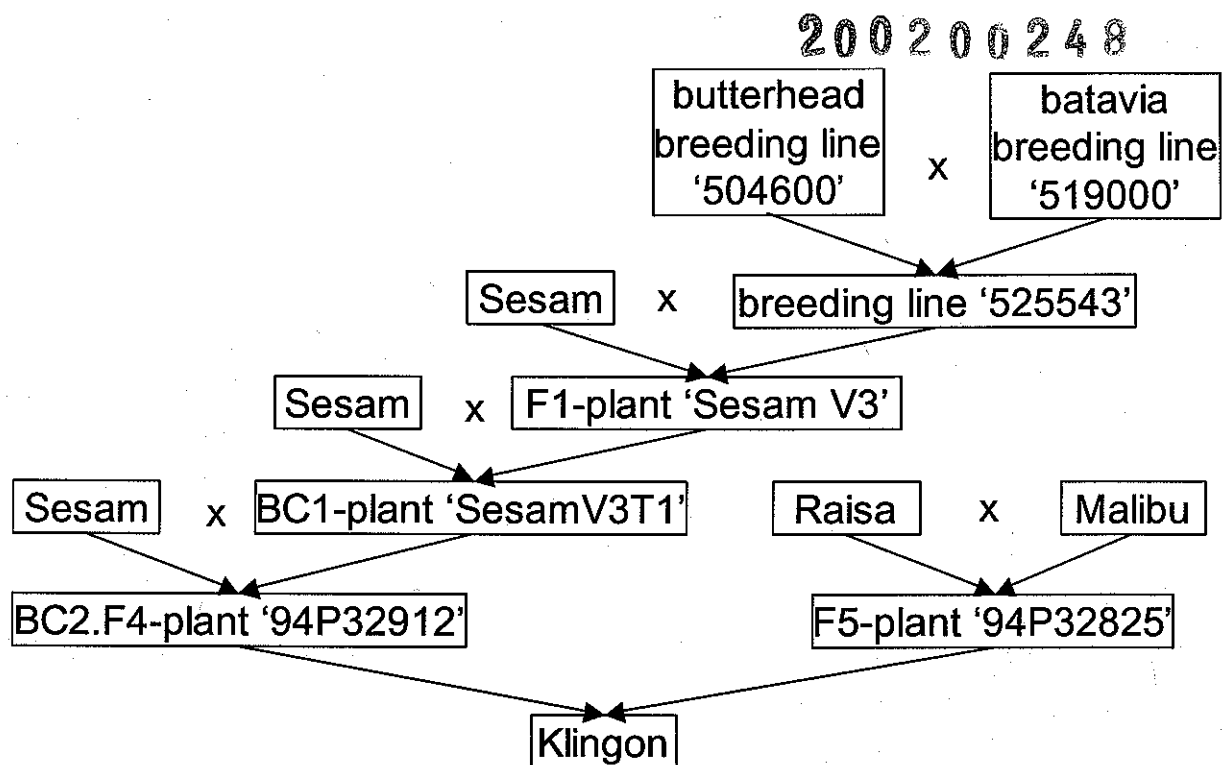


Fig. 1 Pedigree of lettuce variety 'Klingon'

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## EXHIBIT B - Statement of Distinctness

'Klingon' most closely resembles 'Malibu', However, 'Malibu' has got leaf shape 2 and leaf incision depth 1, while 'Klingon' has leaf shape 6 and leaf incision depth 3 (see exhibit C) ..

*Identify the varieties and state all differences objectively:*

Klingon is a very slow bolting cutting lettuce (lollo rossa type) with incised leaves. It is recognisable by its medium red, deeply incised leaves. Klingon is resistant to the official Bremia fysis's NL1, NL2, NL3, NL4, NL5, NL6, NL7, NL10, NL11, NL12, NL13, NL14, NL15, NL16, ~~BI-19~~ and BI-21 and B1-23. RAO 8/26/05

*Difference from parent varieties:*

Denomination of parent variety	Characteristic in which the similar variety is different	State of expression of similar variety	State of expression of candidate variety
Sesam	downy mildew resistance ( <i>Bremia lactucae</i> )	susceptible	resistance to NL1, NL2, NL3, NL4, NL5, NL6, NL7, NL10, NL11, NL12, NL13, NL14, NL15, NL16, <del>BI-19</del> , BI-21 B1-23 RAO 8/26/05
Raisa	downy mildew resistance ( <i>Bremia lactucae</i> )	susceptible	resistance to, NL2, NL3, NL4, NL6, NL10, NL11, NL12, NL13, NL14, NL15, NL16, <del>BI-19</del> , BI-21 B1-23 RAO 8/26/05
Malibu	leaf margin: incision depth	shallow	deep

*Difference from other lettuce varieties from the database:*

Denomination of standard variety	Characteristic in which the similar variety is different	State of expression of similar variety	State of expression of candidate variety
Lollo rossa	downy mildew resistance ( <i>Bremia lactucae</i> )	susceptible	resistance to NL1, NL2, NL3, NL4, NL5, NL6, NL7, NL10, NL11, NL12, NL13, NL14, NL15, NL16, <del>BI-19</del> , BI-21 B1-23 RAO 8/26/05
Lollo rossa	anthocyanin concentration	light	moderate
Lollo rossa	leaf margin: incision depth	shallow	deep

U.S. Department of Agriculture  
Agricultural Marketing Service  
Livestock and Seed Division  
OBJECTIVE DESCRIPTION OF VARIETY  
LETTUCE *Lactuca sativa*

EXHIBIT C

NAME OF APPLICANT(S) Rijk Zwaan Zaadteelt en Zaadhandel B.V.		FOR OFFICIAL USE ONLY	
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP-Code) Burgemeester Crezeelaan 40 2678 KX DE LIER The Netherlands		VPPO NUMBER	200200248
		VARIETY NAME KLINGON	
		EXPERIMENTAL DESIGNATION 85-24 RZ	

Place numbers in the boxes for the characters which best describe this variety. Measured data should be the mean of an appropriate number 10) of well spaced plants. Royal Horticultural Society or any recognized color standard may be used to determine plant colors.

The location of the test area is:  
The Netherlands

Color System Used:  
RHS

1. PLANT TYPE: (See list of suggested check varieties page 4.)

<div style="border: 1px solid black; display: inline-block; padding: 2px; margin-right: 5px;">0</div> <div style="border: 1px solid black; display: inline-block; padding: 2px; margin-right: 5px;">1</div>	01 = Cutting/Leaf 02 = Butterhead 03 = Bibb 04 = Cos or Romaine	05 = Great Lakes Group 06 = Vanguard Group 07 = Imperial Group 08 = Eastern (Ithaca) Group	09 = Stem 10 = Latin 11 = OTHER:
---	--	---	--

2. SEED: COLOR

<div style="border: 1px solid black; display: inline-block; padding: 2px; margin-right: 5px;">1</div>	1 = White (Silver Gray) 2 = Black (Gray Brown) 3 = Brown (Amber)	<div style="border: 1px solid black; display: inline-block; width: 30px; height: 30px; margin: 0 auto;"></div>	LIGHT DORMANCY 1 = Light Required 2 = Light not required	<div style="border: 1px solid black; display: inline-block; width: 30px; height: 30px; margin: 0 auto;"></div>	HEAT DORMANCY 1 = Susceptible 2 = Not susceptible
---	--	--	--	--	---

3. COTYLEDON TO FOURTH LEAF STAGE: NOTE: Provide a color photograph or photocopy of the fourth leaf from 20 day old seedling grown under optimal conditions

1

SHAPE OF COTYLEDONS: 1 = Broad    2 = Intermediate    3 = Spatulate

6

SHAPE OF FOURTH LEAF:

1      2      3      4      5      6

1      2

LENGTH/WIDTH INDEX OF FOURTH LEAF: L/W x 10

7

3

4

--

4

3

2

3

1

APICAL MARGIN:	1 = Entire 2 = Creanate/Gnawed 3 = Finely Dentate	4 = Moderately Dense 5 = Coarsely Dentate 6 = Incised	7 = Lobed 8 = OTHER (specify)
BASAL MARGIN:			
UNDULATION:	1 = Flat	2 = Slight	3 = Medium      4 = Marked
GREEN COLOR:	1 = Yellow Green 2 = Light Green	3 = Medium Green 4 = Dark Green	5 = Blue Green 6 = Silver Green      7 = Gray Green
ANTHOCYANIN:			
DISTRIBUTION:	1 = Absent 2 = Margin Only	3 = Spotted 4 = Throughout	5 = OTHER (specify)
CONCENTRATION:	1 = Light	2 = Moderate	3 = Intense
ROLLING:	1 = Absent	2 = Present	
CUPPING:	1 = Uncupped	2 = Slight	3 = Markedly
REFLEXING:	1 = None	2 = Apical margin	3 = Lateral Margin

## 4. MATURE LEAVES (observe harvest-mature outer leaves):

NOTE: Provide color photo of harvest-mature leaves which accurately shows color and margin characteristics.

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## MARGIN:

3	INCISION DEPTH: (deepest penetration of the margin)	1 = Absent/Shallow (Dark Green Boston)	2 = Moderate (Vanguard)	3 = Deep (Great Lakes 659)
2	INDENTATION: (finest divisions of the margin)	1 = Entire (Dark Green Boston)	3 = Deeply Dentate (Great Lakes 659)	5 = OTHER (specify)
		2 = Shallowly Dentate (Great Lakes 65)	4 = Crenate (Vanguard)	
3	UNDULATION OF THE APICAL MARGIN:	1 = Absent/Slight (Dark Green Boston)	2 = Moderate (Vanguard)	3 = Strong (Great Lakes 659)
1	GREEN COLOR:	1 = Very Light Green (Bibb)	3 = Medium Green (Great Lakes)	5 = Very Dark Green
		2 = Light Green (Minetto)	4 = Dark Green (Vanguard)	6 = OTHER
4	ANTHOCYANIN (grown at or below 10 °C): DISTRIBUTION:	1 = Absent	3 = Spotted (Calif. Cream Butter)	5 = OTHER (specify)
		2 = Margin Only (Big Boston)	4 = Throughout (Prize Head)	
2	CONCENTRATION:	1 = Light (Iceberg)	2 = Moderate (Prize Head)	3 = Intense (Ruby)
1	SIZE:	1 = Small	2 = Medium	3 = Large
2	GLOSSINESS:	1 = Dull (Vanguard)	2 = Moderate (Salinas)	3 = Glossy (Great Lakes)
1	BLISTERING:	1 = Absent/Slight (Salinas)	2 = Moderate (Vanguard)	3 = Strong (Prize Head)
1	LEAF THICKNESS:	1 = Thin	2 = Intermediate	3 = Thick
1	TRICHOMES:	1 = Absent (smooth)	2 = Present (spiny)	

## 5. PLANT (at market stage. Choose a comparison variety appropriate for this type):

3	2	SPREAD OF FRAME LEAVES: cm. This Variety	4	3	cm. Salad Bowl (specify comparison variety)
	--	HEAD DIAMETER (market trimmed with single cap leaf): cm. This variety			cm. (specify comparison variety)
5		HEAD SHAPE:	1 = Flattened	3 = Spherical	5 = Non-heading
			2 = Slightly Flattened	5 = Elongate	6 = OTHER
--		HEAD SIZE CLASS:	1 = Small	2 = Medium	3 = Large
		HEAD COUNT PER CARTON			
		HEAD WEIGHT: g This Variety			g. (specify comparison variety)
		HEAD FIRMNESS	1 = Loose	3 = Firm	
			2 = Moderate	4 = Very Firm	

## 6. BUTT (bottom of market-trimmed head):

3	SHAPE:	1 = Slightly Concave	2 = Flat	3 = Rounded
3	MIDRIB:	1 = Flattened (Salinas)	2 = Moderately Raised	3 = Prominently Raised (Great Lakes 659)

## 7. CORE (stem of market-trimmed head):

3	1	mm Diameter at base of Head
		Ratio of head diameter/core diameter
5	6	Core height from base of head to apex: mm. This Variety
		5 4 mm. Salad Bowl (specify comparison variety)

## 8. BOLTING (Give First Water Date) 8 March 2001 ): Note: First Water Date is the date seed first receives adequate moisture to germinate. This can and often does equal the planting date.

1	4	1	Number of days from First Water Date to seed stalk emergence (summer conditions):	1	1	7	(specify)
			This Variety				Salad Bowl
		1	BOLTING CLASS:	1 = Very Slow	3 = Medium	5 = Very Rapid	
				2 = Slow	4 = Rapid		
1	2	7	Height of mature seed stalk: cm. This Variety	1	1	7	cm. Salad Bowl (specify comparison variety)

3	3
---	---

Spread of Bolter Plant (at widest point):  
cm. This Variety

3	6
---	---

cm. Salad Bowl

(specify comparison variety)

200200248

2
---

BOLTER LEAVES:

1 = Straight

2 = Curved

2
---

MARGIN:

1 = Entire

2 = Dentate

4
---

COLOR:

1 = Light Green

2 = Medium Green

3 = Dark Green

4 = OTHER: Dark Red

BOLTER HABIT:

2
---

TERMINAL  
INFLORESCENCE:

1 = Absent

2 = Present

1
---

LATERAL SHOOTS  
(above head)

1 = Absent

2 = Present

1
---

BASAL SIDE SHOOTS

1 = Absent

2 = Present

9. MATURITY (earliness of harvest-mature head formation)

NOTE: Complete this section for at least one season.

SEASON	Applic. 1/# of days			Check 1/# of days			CHECK VARIETY 2/
Spring		8	6		9	0	Salad Bowl
Summer							
Fall							
Winter							

Give planting date(s), and location(s):

Spring 8 March 2001 Roelofarendsveen

Summer

Fall

Winter

1/ First water date to harvest.

2/ Fill in check variety name on the appropriate line.

10. ADAPTATION:

PRIMARY REGIONS OF ADAPTATION (tested and proven adapted):

(0 = Not tested

1 = Not Adapted

2 =

Adapted)

0
---

Southwest (Calif., Ariz. desert)

0
---

West Coast

0
---

Northeast

0
---

Northcentral

0
---

Southeast

2
---

OTHER Europe outdoor

SEASON:

2
---

Spring (area Europe)

2
---

Fall (area Europe)

2
---

Summer (area Europe)

2
---

Winter (area Southern Europe)

1
---

GREENHOUSE:

0 = Not tested

1 = Not Adapted

2 = Adapted

3
---

SOIL TYPE:

1 = Mineral

2 = Organic

3 = Both

FORM

Page 3 of 4  
(9-86)

LS-470-1

11. DISEASES AND STRESS REACTIONS (0 = Not tested; 1 = Susceptible; 2 = Intermediate; 3 = Resistant; 4 = Highly resistant; 5 = Tolerant):

200200248

VIRUS

0	Big Vein
1	Lettuce Mosaic
0	Cucumber Mosaic
0	Broad Bean Wilt
0	Turnip Mosaic
0	Beet Western Yellows
0	Lett. Infectious Yellows
	Other Virus _____

FUNGAL/BACTERIAL

1	Corky Root Rot (Pythium Root Rot)
4	Downy Mildew (Races NL 1-16, BL21, BL23)
0	Powdery Mildew
0	Sclerotinia Rot
0	Bacterial Soft Rot (Pseudomonas spp. & others)
0	Botrytis (Gray Mold)
	OTHER _____

INSECTS

0	Cabbage Loopers
1	Root Aphids
0	Green Peach Aphid
	Other Insect _____

PHYSIOLOGICAL/STRESS

3	Tip Burn	3	Salt
3	Heat	0	Brown Rib (Rib Discoloration, Rib Blight)
0	Drought		OTHER _____
3	Cold		

POST HARVEST

0	Pink Rib	0	Internal Rib Necrosis (Blackheart, Gray Rib, Gray Streak)
0	Russet Spotting	0	Brown Stain
0	Rusty Brown Discoloration		

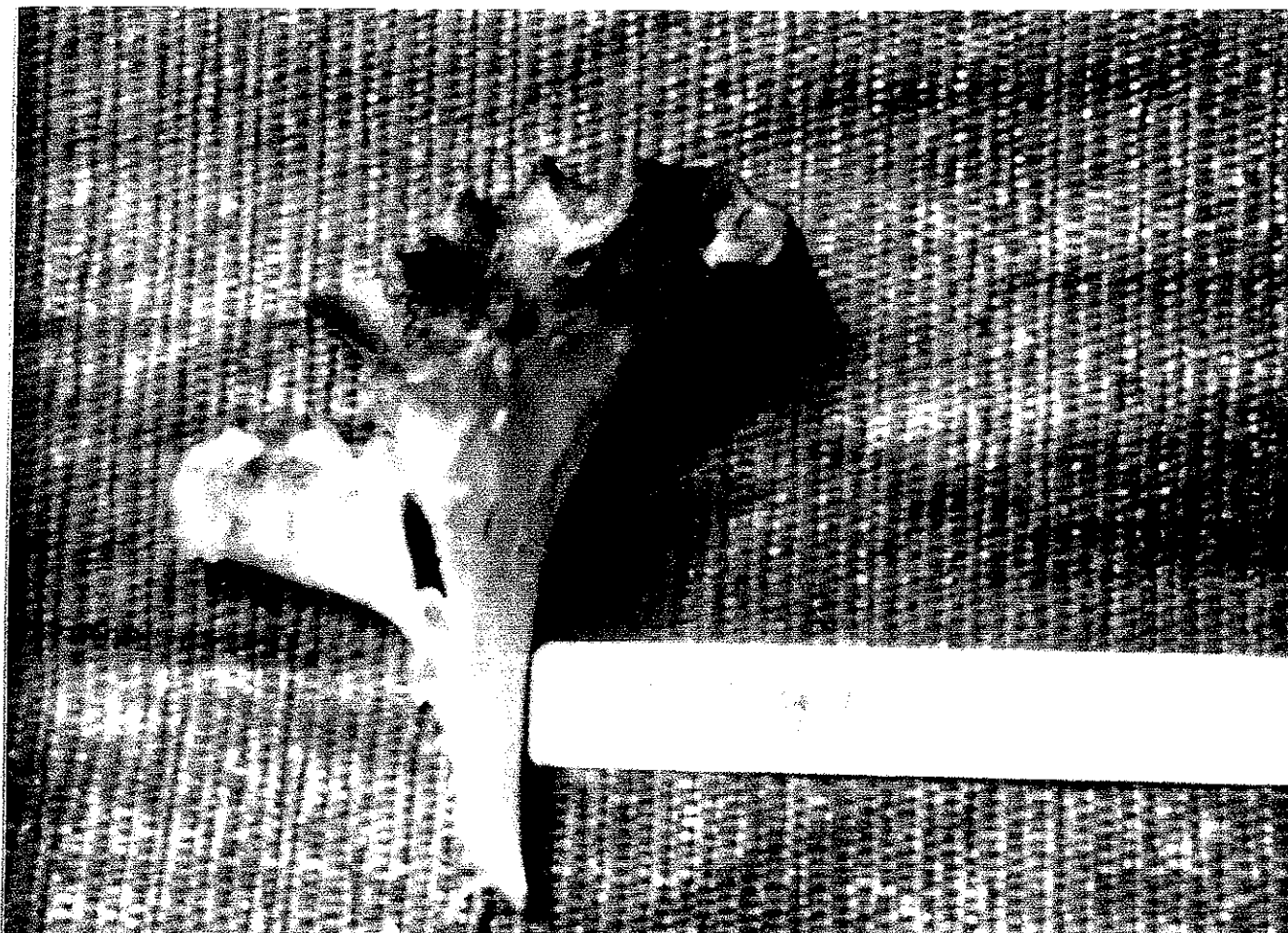
12. BIOCHEMICAL OR ELECTROPHORETIC MARKERS:

13. COMMENTS:

Klingon looks like Lagon, but differs from Lagon by its slightly larger, slightly slower filling plant, the less red, weaker undulating, finer lobed leaf with a slightly more densely dentated leaf margin and its slower bolting

SUGGESTED CHECK VARIETIES

	TYPE	CHECK VARIETY
1)	CUTTING/LEAF	SALAD BOWL
2)	BUTTERHEAD	DARK GREEN BOSTON
3)	BIBB	BIBB
4)	COS, OR ROMAINE	PARRIS ISLAND
5)	GREAT LAKES GROUP	GREAT LAKES 659-700
6)	VANGUARD GROUP	VANGUARD
7)	IMPERIAL GROUP	VIVA
8)	EASTERN GROUP	ITHACA
9)	STEM	CELTUCE
10)	LATIN	MATCHLESS





## EXHIBIT D. ADDITIONAL DESCRIPTION

## VARIETY: KLINGON

Klingon is a very slow bolting cutting lettuce (lollo rossa type). It is recognisable by its medium red, deeply incised leaves, which makes it very useful for the processing industry. Because of its typical nonheading character, it can even be grown under cold conditions, when other non-heading varieties tend to head slightly. Klingon is resistant to the official Bremia races NL1, NL2, NL3, NL4, NL5, NL6, NL7, NL10, NL11, NL12, NL13, NL14, NL15, NL16, ~~BI-19~~ and BI-21 and the Californian pathotypes Ca-I, Ca-IIA, Ca-IIB, Ca-IV, Ca-V

BI-23 RAD 8/26/05

12/1/05

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S)  Rijk Zwaan Zaadteelt en Zaadhandel B.V.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  85-24 RZ	3. VARIETY NAME  KLINGON
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  Burgemeester Crezeelaan 40 NL-2678 KX DE LIER The Netherlands	5. TELEPHONE (Include area code)  + 31 174 532300	6. FAX (Include area code)  + 31 174 513730
7. PVPO NUMBER  200200248		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☐ YES ☒ NO  
The Netherlands10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☐ YES☐ NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☐ YES☐ NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

Not applicable

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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